

## <u>Details of Senator Rockefeller's Robert C. Byrd Mine and Workplace Safety and Health Act</u>

Below are the key provisions in the mine safety bill, many of which specifically take into account the investigations and reports since the Upper Big Branch tragedy, and are what families of the victims have said they are looking for.

- Strengthens whistleblower protections for miners who speak out about unsafe conditions. This bill will require one hour annually of "miner's rights training" to inform workers of the law's protections, give miners an express right to refuse unsafe work, expand the time limit for filing a complaint about retaliation from 60 to 180 days, and authorize punitive damages and criminal penalties for retaliation against workers who raise safety concerns.
- Increases maximum criminal penalties. Currently, criminal violations of mine safety laws are a misdemeanor for a first offense. To provide a strong deterrent for such serious misconduct, the penalties for knowing violations of safety standards will be raised to the felony level, including providing felony penalties for miners, operators, and government officials who knowingly provide advance notice of inspections.
- Gives the Mine Safety and Health Administration (MSHA) expanded authority to subpoena documents and testimony. Currently, MSHA does not have the authority to subpoena documents or testimony from operators outside the context of a formal, public hearing. MSHA should have this authority in the context of investigations and inspections as well as public hearings.
- Provides for an independent investigation of the most serious accidents. The bill creates an independent panel, comprised of a team of independent experts, to investigate the actions of both the operator and MSHA for serious accidents, including any accident involving three or more deaths.
- Prohibits mine operators from keeping two sets of books. This provision directly
  addresses the fact that Massey had two sets of books at Upper Big Branch and was not
  properly sharing information about the condition of the mine with MSHA. These are
  changes based on the recommendations of the UMWA in their report, and deals with
  issues that many of the reports highlighted.

- Establishes strict penalties for unsafe ventilation changes. Investigations conducted by MSHA, the United Mine Workers of America, and the Governor's Independent Investigation Panel determined that Massey made multiple illegal ventilation changes at Upper Big Branch mine without any approval. Reduced ventilation can lessen clean air flow in the mines and increase the likelihood of explosions. The bill would severely penalize mine companies with up to \$220,000 in fines for such flagrant violations that could seriously harm miners just trying to do their jobs.
- Limits miners' exposure to Black Lung disease. This debilitating disease is on the rise among a new generation of coal miners. Specifically, the provision would require that MSHA issue a rule within six months a rule that is long overdue to lower exposure levels to respirable dust which would provide the maximum feasible protection that is achievable through environmental controls. It would also require that MSHA reexamine the incidence of Black Lung disease every five years and, unless there is a decline in Black Lung, update the regulations again. More than 70 percent of the victims tested at Upper Big Branch were determined to have signs of Black Lung disease.
- Reforms and tightens standards for when federal regulators cite a "pattern of violations" in mines that have been targeted for repeat safety violations, and holds mine operators accountable for safety in their mines. In January, MSHA tightened its standards when federal regulators cite a "pattern of violations" in mines that have been targeted for repeat safety violations, incorporating many of the concepts from Rockefeller's mine safety bill. This provision in the bill would further strengthen the rule by codifying it into law. Mines with significantly degraded safety records must meet benchmarks demonstrating that they are making progress on safety issues. Before the Upper Big Branch tragedy, the mine had been cited by MSHA numerous times, but MSHA said that the mine did not show a "pattern of violation."
- Improves federal and state coordination to combat safety violations. The Governor's Independent Investigation Panel recommended that federal and state agencies immediately work together to address safety problems at mines right after they are found out, and this provision would strongly encourage such actions.
- Improves mine safety technology and enhances safety training. Providing miners, operators, and regulators with the most up-to-date safety training and information about conditions inside mines is essential to preventing explosions and keeping miners safe. This legislation entitles miners to quarterly training on the use of emergency oxygen supplies under real-world operating conditions, and also requires the installation of "black box" technology on mining equipment to measure methane, oxygen, carbon monoxide, and coal dust levels.